

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARMANDO GUTIERREZ-DOMINGUEZ,

Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING MOTION FOR  
SENTENCE RELIEF

Case No. 2:11-CR-9 TS

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This matter is before the Court on Defendant's Motion for Sentence Relief. For the reasons discussed below, the Court will deny Defendant's Motion.

I. BACKGROUND

On January 4, 2011, Defendant was charged in a felony information with reentry of a previously removed alien, a violation of 8 U.S.C. § 1326. Defendant pleaded guilty and was sentenced, on March 11, 2011, to a term of 41 months imprisonment. Petitioner did not pursue direct appeal, but rather filed the instant Motion on March 9, 2012.

## II. DISCUSSION

The Court's ability to amend a judgment, once imposed, is limited. Defendant seeks to reduce his sentence pursuant to the Non-Violent Offender Relief Act of 2003. However, the Non-Violent Offender Relief Act has not been passed by either house of Congress and 18 U.S.C. § 3624 has not been amended to include the language relied upon by Defendant in his Motion. Therefore, the Court must deny Defendant's request for relief.

## III. CONCLUSION

It is therefore

ORDERED that Defendant's Motion for Sentence Relief (Docket No. 20) is DENIED.

DATED April 5, 2012.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART  
United States District Judge